

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOE GARCIA ESTRADA

v.

DOUG DRETKE, ET AL.

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C.A. NO. C-04-687

ORDER

This is a civil rights action filed by a state prisoner pursuant to 42 U.S.C. § 1983.

Pending are plaintiff's motions to stay the proceedings and his motion for discovery. (D.E. 102).

Regarding his motion to stay the proceedings, he seeks "to stay the proceedings or suspend the cause of action untill [sic] plaintiff gets or is transfered [sic] to another prison." Id. at 1. Inmates do not have a constitutionally protected interest in being held at a particular facility. Yates v. Stalder, 217 F.3d 332, 334 (5th Cir. 2000) (per curiam) (citations omitted); Tighe v. Wall, 100 F.3d 41, 42 (5th Cir. 1996) (per curiam) (citations omitted).

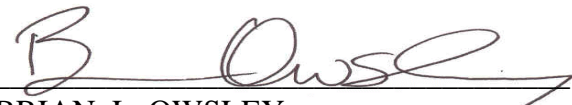
Accordingly, plaintiff's motion to stay the proceedings, (D.E. 102), is hereby DENIED.

Plaintiff's motion for discovery appears to be seeking leave to engage in discovery in this matter. As a general matter, he may engage in discovery provided it is consistent with the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Local Rules of the United States District Court for the Southern District of Texas, and this Court's orders. In the Initial Partial Filing Fee And Collection Order issued on March 1, 2005, it states that "[a]ll discovery in this case is stayed until an answer is filed." (D.E. 12, at ¶ 8). Because the answer was filed on June 14, 2005, (D.E. 30), discovery is no longer automatically stayed.

Specifically, plaintiff appears to request discovery based upon five requests. (D.E. 102, at 24-27). It should be noted that discovery is not filed with the Court pursuant to Local Rule 5.4: “Depositions, interrogatories, answers to interrogatories, requests for admission, production, or inspection, responses to those requests, and other discovery material shall not be filed with the clerk.” Therefore, any discovery requests by plaintiff are to be served on defendants and not filed with the Court.

Accordingly, plaintiff’s motion for discovery, (D.E. 102), is hereby GRANTED consistent with this order.

ORDERED this 8th day of August 2006.


BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE